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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Fifty-fourth session

SUMMARY RECORD OF THE 1311th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 4 March 1999, at 3 p.m.

Chairman: Mr. ABOUL-NASR

later: Mr. SHERIFIS

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The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 4)

Fifth to eighth periodic reports of Portugal (CERD/C/314/Add.1; HRI/CORE/1/Add.20)

1. At the invitation of the Chairman, Mr. Leitão, Mr. Marrecas Ferreira, Mrs. Dias Nobre, Mrs. Cardoso Ferreira, Mr. Pereira de Santa Clara Gomes and Mr. Calheiros da Gama (Portugal) took places at the Committee table.

2. Mr. LEITÃO (Portugal) explained that although Portugal had not submitted its reports separately and earlier, it had been carrying out sustained action to eliminate all forms of racial discrimination. Portuguese society had changed greatly since 1991, and democracy, dialogue and international and intercultural cooperation had all taken stronger root.

3. Highlighting significant developments in constitutional and ordinary legislation, he said that the latest revision of the Constitution, in 1997, had reformulated the provisions intended to combat racial discrimination and had introduced express provisions to prohibit racist as well as Fascist organizations (art. 46, para. 4). It also stipulated that deputies to the Assembly would lose their seats if they were members of a racist organization. Article 13 already specified that no one could be privileged, given preference, deprived of a right or exempted from a duty on grounds, inter alia, of race, language or place of origin. The constitutional revision ensured speedy and prioritized legal procedures for the protection of individual rights, freedoms and guarantees, including those of the victims of racial discrimination. At the same time, the new right to legal protection against any form of discrimination covered discrimination based on ethnic origin (art. 26, para. 1). Revised article 240 of the Penal Code (racial or religious discrimination) increased the penalties for racial discrimination. It also now prohibited discrimination on the grounds of national or religious origin, in addition to race, colour and ethnic origin, and made the denial of war crimes or crimes against peace and humanity with the intention of inciting to racial or religious discrimination a punishable offence.

4. The creation of the post of High Commissioner for immigration and ethnic minorities and of the Inspectorate-General for Internal Administration had contributed to the effective protection of the rights of victims of racial discrimination. The Inspectorate-General monitored the actions of the security services and forces, and citizens' fundamental rights and freedoms. The two authorities worked together to protect the rights of immigrants and ethnic minorities, an example being a study conducted on improving security force intervention, which had led to the current far-reaching reform in action on behalf of immigrants and ethnic minorities. The Inspectorate-General considered all the complaints transmitted to it by the High Commissioner, and instituted investigations where it deemed necessary. The High Commissioner had brought to the attention of the Procurator-General of the Republic all cases deemed to warrant criminal investigation.

5. As a member of the Citizens' Administration Forum, which encompassed public and private bodies, workers' unions and other social partners, the High Commissioner had proposed a project for the adoption of measures to ensure respect for the rights of immigrant citizens in their dealings with the administration. Anti-racist, human rights and immigrant associations now had increased opportunities to act on behalf of victims by participating in legal proceedings for racially-motivated crimes, unless the victim expressly opposed such participation. Their participation entailed no payment of legal costs.

6. New laws had also been passed on asylum (Law 15/98); on the entry, sojourn and departure of foreigners (Decree Law 244/98) and on foreign workers (Law 20/98), which abolished all restrictions to hiring aliens and contributed to equality of treatment. A new Consultative Council for Immigration Questions (Decree Law 39/93) would begin its work in March 1999, with the participation of immigrant associations.

7. Portugal took an active part in anti-racist initiatives at the international level, such as the Council of Europe's "All different, all equal" campaign, with the collaboration of government bodies, including the Ministry of Justice, and many non-governmental organizations (NGOs). It worked closely with the Council of Europe's European Commission against Racism and Intolerance and the Office of the United Nations High Commissioner for Human Rights and participated actively in the work of the Human Rights Commission. It had likewise taken part in European Union action, such as the establishment of the European Monitoring Centre on Racism and Xenophobia, and the European Year Against Racism. The European Commission's survey on racism and xenophobia in Europe published at the end of that year had found that the Portuguese saw themselves as the least racist people of the European Union, with 58 per cent of them declared non-racists. He was pleased to be able to present the Committee with a copy of the survey, which was intended to serve as a basis for guidelines for future European Union efforts to combat racism. Such results did not blind the Portuguese to verified racist incidents, but gave them the confidence to act effectively to make Portugal an increasingly non-racist society.

8. Although legal measures were necessary to combat racism, they were not sufficient. In order to create a just society in which all citizens, regardless of their race or ethnic origin, could live in harmony, Portugal was placing emphasis on the fight against exclusion and the extension of the concept of citizenship. The constitutional principle of equality of rights between nationals and aliens, specific legislation and the prohibition of racial discrimination all helped to ensure the effective equality of rights. However, the authorities were aware of the need to continue working to ensure a better insertion of Portuguese gypsies into society and the harmonious integration of immigrants. Many thousands of immigrants and members of ethnic minorities had had access to social housing in recent years under special rehousing plans and to a guaranteed minimum wage, and had benefited from various other non-discriminatory integration measures.

9. The Portuguese delegation was sure that the Committee's comments would lead to positive developments in Portuguese action to eliminate all forms of racial discrimination.

10. Mr. GARVALOV (Country Rapporteur) thanked the High Commissioner for immigration and ethnic minorities for his statement, which had clarified several important points, and commended the high quality of the periodic report. Significantly, the report included self-criticism, giving a clearer picture of Portugal's position vis-à-vis the Convention. Some of it appeared to be more relevant to other treaty bodies, but Part II related more specifically to implementation of the Convention.

11. Even the newly revised Constitution still concentrated on discrimination in general. Several articles enshrined the principles of equality and non-discrimination, including that between citizens and non-citizens, but the only specific examples given were protection of workers and equality of education. Racial discrimination was not specifically prohibited, since racism was not defined separately. It was logical, given Portugal's political past, that racism was placed within the context of the Fascist ideology, but racial discrimination as defined in the Convention was a much broader concept. Comparable comments had been in the 1998 report of the Council of Europe's European Commission against Racism and Intolerance (ECRI).

12. The core document (HRI/CORE/1/Add.20) raised questions regarding the applicability of the Convention in Portuguese domestic law, stating as it did that article 8 of the Constitution provided for direct applicability "insofar as this is expressly provided for in the relevant constitutive treaties", whereas the Convention itself did not specifically include any such provisions.

13. With regard to Portugal's demographic composition, paragraph 16 spoke of the "insertion" of gypsies into Portuguese society, whereas references to foreign immigrants spoke of "integration". In English, the two words were not synonymous. Although the Portuguese legal system did not permit reference to race, paragraph 16, in specifying that the gypsies had been in Portugal since the fifteenth century, made it clear that Portugal recognized their different ethnic origin. According to the ECRI report the Roma or gypsy community represented a major victim group in racist incidents, followed by black people from Portuguese-speaking countries of Africa. Yet that report stated that the Constitutional Court had, to date, dealt with the question of racial discrimination only with respect to members of the Romany community and referred also to a decision of the Constitutional Commission concerning a decree of 1920 which provided for close supervision of Roma/gypsies in order to prevent "frequent anti-social activities". More clarification was required on that point and its meaning, since it gave the impression that the Roma were subject to special attention by the Constitutional Court. Commission on Human Rights document E/CN.4/1998/77, effectively a reply by the Portuguese Government, referred to the "Working Group on Gypsy Equality and Social Integration", referred to in the report as the Working Group for the Equality and Insertion of Gypsies, and acknowledged that the Roma/gypsy communities in Portugal suffered from "social, economic, cultural and even political exclusion" but did not recognize any racial discrimination against them. It also described the steps being taken to promote equality and integration including a national programme against poverty and the creation of an educational guide covering the entire curriculum, with due regard to the gypsy culture. Although those measures were very commendable, concerns about racial discrimination against Roma in Portugal remained.

14. Paragraph 20 acknowledged that Portugal was "a multi-ethnic and multiracial society", which conflicted with the statement that no reference to race was permitted. Although paragraph 19 stated that the Constitution prohibited the "conducting of surveys on the racial or ethnic component of the population", it should be pointed out that the United Nations Population Commission recommendation that the category of "race" should be optional in censuses concerned only the methodology of State census-taking. None of the optional categories could be a legal barrier for a State to gather information on the demographic composition of its population. Moreover, in the definition of racial discrimination, in article 1.1 of the Convention, race was only one component, the others being colour, descent, or national or ethnic origin; the terms "descent" or "national or ethnic origin" could not, therefore, be substituted for the term "race".

15. The report mentioned no ethnic group other than gypsies. Table 1 listed the foreign population resident in Portugal, but did not specify whether they were permanent or temporary residents. He felt that the separate grouping of "Europe" and "other countries of Europe" was divisive; such categorization bordered on discrimination. Some clarification of the statistics was needed.

16. He asked the Portuguese delegation to comment on the assertion in the Minority Rights Group International's World Directory of Minorities 1997 that in 1992 restrictions had been imposed on the entry into Portugal of persons from its former colonies, specifically Angola, Guinea-Bissau, Cape Verde and Mozambique. The Minority Rights Group International also maintained that although Portugal had granted a certain degree of self-government to the islands of Madeira and the Azores, both those territories continued to press for greater autonomy and were critical of Lisbon's rule. The Committee would like to know more about Portugal's policy with regard to such minorities. How did the Portuguese Government define "national minorities", and what were those national minorities? Portugal had signed the Council of Europe's Framework Convention for the Protection of National Minorities; to which ethnic groups or national minorities did Portugal apply that instrument?

17. Concerning paragraph 27 of the report, according to which the strengthening of European identity mentioned in paragraph 5 of article 7 of the new text of the Constitution did not affect non-European citizens, who retained all the rights recognized to them by a democratic society, he asked how that was ensured in practice. He was pleased to learn that, under the Constitution, stateless persons and European Union citizens enjoyed the same rights as Portuguese citizens.

18. Paragraphs 40 to 52 were of great importance, dealing as they did with a number of incidents of racial violence in Portugal perpetrated in recent years by skinheads against blacks, foreigners and Roma. It was to the credit of the State party that it had honestly presented such information in the report. The establishment of the Office of the High Commissioner for Immigration and the Ethnic Minorities was a commendable initiative.

19. Turning to article 2 of the Convention, he summarized the main points made in paragraphs 67 to 90 and commented in particular on a case in which the Administrative Court of First Instance of Porto had found to be null and void the regulations of the municipality of Vila do Conde requiring all gypsies

without official residence to report their arrival and to leave within eight days (paras. 85-88). The case was interesting in that in its ruling, the Court had not referred to the problem of Roma as such, but to the invalidity of the administrative act. He would have expected the Court to take up the substance of the issue. The Committee commended the Portuguese Supreme Court for revoking the decision of the District Court of Lamego, which had increased a sentence for a gypsy woman convicted of drug trafficking because gypsies supposedly had a natural propensity to engage in drug trafficking (para. 89).

20. Regarding the State party's implementation of article 4, he again drew attention to the absence of specific legislation prohibiting racial discrimination. Article 189 of the Criminal Code punished attempts to destroy a national, ethnic, religious or social group, and although it was similar to the provisions of the Convention, it did not, as required under article 4 (b) of that instrument, declare illegal and prohibit organizations which made such attempts. Law No. 28/1982 did, however, establish the competence of the Constitutional Court to declare that an organization had a Fascist ideology and to prohibit it. That was a positive measure, and it was to be hoped that the Constitutional Court would also have competence to prohibit racist organizations and groups, as specified in article 4 (b) of the Convention.

21. Concerning the case of the Fascist organization "National Action Movement" (MAN) discussed in paragraphs 100 to 193, he noted that after MAN had disbanded itself, the Constitutional Court had ruled that as that organization had ceased to exist, there had no longer been any reason to declare it to be Fascist. Could the Portuguese delegation explain why the Constitutional Court should not have ruled that during its period of existence, MAN had in fact been a Fascist organization?

22. Paragraphs 106 to 234 provided a wealth of information on legal measures to prevent and combat racial discrimination. Unfortunately, virtually nothing was said about actual administrative practice, and no examples were given of case law. The Committee would have liked to see information about specific cases in Portuguese courts, sentences, etc.

23. The State party had taken many steps to comply with the provisions of article 7. He noted with satisfaction that in recent years Portugal had launched a number of practical initiatives in the area of education and vocational training to promote the social and professional integration of immigrants and persons belonging to ethnic and linguistic minorities.

24. Referring to the question of Macao, he observed that the majority of the population was Chinese-speaking, yet official documents and decisions were produced in the Portuguese language only. That put the majority population at a serious disadvantage. Furthermore, despite guarantees of equality in the Constitution and in Portuguese labour legislation, women still did not receive equal pay for equal work. As the majority of women in Macao were of Chinese origin and their mother tongue was Chinese, that was tantamount to racial discrimination. In closing, he would like to know how well the people of Macao were informed about the provisions of the Convention.

25. Mr. VALENCIA RODRIGUEZ, commending the Portuguese delegation for its presentation, referred first to the statement in paragraph 19 of the periodic report that problems of racial discrimination arose essentially within the country and were not connected with nationality. More information was needed on that point in order to understand the reason for past xenophobic incidents.

26. Paragraphs 20 to 22 spoke of the effort to legalize the situation of clandestine immigrants, an initiative which the Committee applauded. Could the Portuguese delegation describe how such persons applied to have their papers brought into order? What percentage of applications submitted had actually been approved?

27. Paragraph 36 stated that situations connected with the right to asylum, expulsion and extradition could give rise to discriminatory treatment or behaviour. Could specific examples of incidents be given? He also asked for information on paragraphs 187 and 195 concerning cases in which religion and conscientious objection had resulted in racial discrimination.

28. Regarding the situation of the Roma, he would like to know more about the group responsible for monitoring the application of measures for the integration of gypsies, which had replaced the Working Group referred to earlier (paras. 56 and 57).

29. He commended the Portuguese Government for the detailed information given on serious cases of racial discrimination and hoped that it would continue to inform the Committee of measures taken to prevent and punish such acts. The Committee would also appreciate receiving a copy of the exact wording of article 240 of the Penal Code, which dealt specifically with racial discrimination.

30. According to paragraph 98, article 160 (1) of the Constitution sanctioned deputies who were members of Fascist organizations. He would have thought that a universal prohibition of such involvement would have been sufficient. Why was it necessary to make special reference to deputies?

31. The provisions of article 46 (1) of the Constitution prohibiting armed associations of a military, militarized or paramilitary type and racist organizations or organizations which followed a Fascist ideology were restrictive and did not cover all organizations which promoted or incited racial discrimination, as required under article 4 of the Convention.

32. As for the disbanding of the "National Action Movement", which was discussed in paragraphs 100 to 103, that body was clearly racist. Judging by the information received, it appeared that no punishment had been imposed on any member of that organization, although its very existence had constituted an offence. It seemed that the authorities were more concerned about acts of violence than acts of discrimination.

33. The Ombudsman's recommendation in connection with the orders to demolish Roma dwellings in Vila Verde (para. 105) was to be commended. The Committee looked forward to learning how the courts ruled on the case, which apparently was still pending.

34. Turning to the implementation of articles 5, 6 and 7 of the Convention, he noted that foreigners illegally on the national territory who had managed to enter without being detained could only be detained for expulsion proceedings on a court warrant (para. 168). Did that encourage foreigners who had entered illegally to try to avoid being detained for the first 48 hours so as to be able to benefit from such proceedings?

35. On the implementation of article 6 of the Convention, more specific information should have been provided on how Portugal met the requirement regarding access by victims of racial discrimination to courts of justice or other competent bodies and how adequate compensation was paid.

36. In respect of article 7, the description of educational programmes and efforts to provide schooling for all children regardless of ethnic or national origin was most interesting; unfortunately, nothing was said about other aspects of that article, namely culture and information.

37. Finally, the Portuguese Government should do more to publicize the content of the Convention, its country report and the Committee's concluding observations.

38. Mr. DIACONU, while praising the quality of the report, said that the description of the Portuguese legal system belonged more appropriately in the core document. He was pleased to note that the public authorities seemed to be motivated in many cases by a firm resolve to stamp out and punish acts of racial discrimination. Perpetrators of violent acts were severely punished, for example by an 18-year prison sentence. A local authority decision to expel the Roma community from Vila Verde had been quashed. On the other hand, a court had decided to impose a stiffer penalty on a Roma woman on the grounds that drug trafficking was endemic in the Roma community. Although the Supreme Court had set aside the judgement, the incident demonstrated the need for better training of judges, law enforcement officers and others involved in such cases.

39. He welcomed the establishment of an Interdepartmental Commission for the Integration of Immigrants and Ethnic Minorities and asked whether its membership included representatives of immigrants and minorities and whether there was some arrangement for consulting such groups. He commended the provision of schooling facilities for children from immigrant and minority families and asked whether the curriculum included tuition in their mother tongue and culture.

40. Article 3 of the Convention dealt not only with apartheid but also with racial and ethnic segregation. Had any trends towards segregation been noted in Portugal, particularly in urban areas, and what action was being taken to prevent such phenomena?

41. He welcomed the training of mediators to facilitate dialogue between the central and local authorities and Roma communities. The Roma were a disadvantaged group needing careful attention. He also welcomed the measures to regularize the status of foreigners residing in Portugal, thereby giving them access to a wide range of economic and social rights.

42. He understood that the naturalization regime in Portugal discriminated between Portuguese-speakers and others, fewer years of residence in Portugal being required for the former. He drew attention in that connection to article 1, paragraph 3, of the Convention which stipulated that naturalization provisions should not discriminate against any particular nationality. Moreover, whereas Portuguese-speaking immigrants were eligible to vote in municipal elections after two years of residence, immigrants from other countries were eligible only after three years and provided that a reciprocal arrangement for Portuguese citizens existed in their country of origin. He stressed that the principle of reciprocity was not applicable to human rights.

43. He asked whether the Convention took precedence over domestic legislation and whether it could be invoked directly before the Portuguese courts.

44. Mr. de GOUTTES was pleased to note that the delegation was headed by the High Commissioner for Immigration and Ethnic Minorities, a key player in the anti-racist struggle in Portugal. The Committee would be interested to hear a description of what his work involved in practice. The report was full of useful information, although some details belonged in the core document or Portugal's report to the Human Rights Committee. The Committee was particularly pleased with the detailed demographic data and the frank description of incidents of racial discrimination against blacks and Roma and of the role of racist groups such as neo-Nazis and skinheads.

45. Paragraphs 80 to 90 of the report provided a particularly interesting and comprehensive review of case law relating to minorities and racial discrimination. He welcomed the 1994 Supreme Court condemnation of a judgement to the effect that the Roma had a natural propensity to engage in drug trafficking, which was a disheartening indication of the stereotypes that persisted among certain judges.

46. The 1992 and 1996 campaigns to regularize the status of illegal immigrants addressed a highly sensitive issue, not only for Portugal. To what extent had they achieved the successful integration of members of the target group? Were there any plans for a third campaign?

47. The new Penal Code referred to in paragraph 97 of the report seemed to fulfil the requirements of article 4 of the Convention with respect to the prosecution of acts of racial discrimination. However, he wished to know whether the offence of dissemination of racist ideas and that of denial of services, property or access to public places on racist or ethnic grounds were punishable under the Code.

48. He would appreciate additional information concerning the mediators responsible for ensuring liaison between the Roma community and public and private institutions mentioned in paragraph 234 of the report.

49. During the Committee's consideration of Portugal's previous report in 1991, the delegation had said that Portugal would contemplate making the declaration under article 14 of the Convention. What was the present situation? Of the 27 States parties that had made the declaration, 16 European States had also recognized the individual petition

procedure before the European Court of Human Rights. The two mechanisms were cumulative since the scope of the Convention was broader in terms of non-discrimination on racial or ethnic grounds than the European Convention on Human Rights.

50. Mr. Sherifis took the Chair.

51. Mr. LECHUGA HEVIA praised the report for its frank admission of Portugal's problems in ensuring full compliance with the Convention.

52. He, too, would like to know what practical measures had been taken by the group that had replace the Working Group referred to in paragraph 16 of the report.

53. Paragraph 25 of the report referred to a minority language, Mirandês, spoken in north-eastern Portugal. He was interested in hearing more about its origins and whether it was spoken by an ethnic minority.

54. He would also appreciate more recent information on the skinhead phenomenon and the extent of skinhead influence in Portuguese society.

55. According to a report on the activities of the High Commissioner for Immigration and Ethnic Minorities, discrimination against the Roma community was more serious in rural areas. Could the High Commissioner account for that phenomenon? Was it related to levels of education or literacy rates?

56. He asked whether there were separate statistics for the Roma indicating, for example, level of education, access to health facilities, morbidity rates and average life expectancy.

57. According to the European Commission against Racism and Intolerance, a Portuguese newspaper had published a report on the murder of a taxi driver in terms likely to arouse racial hatred. The Ethical Council of Portuguese Journalists had criticized the newspaper's attitude. Under article 4 of the Convention, the newspaper in question should have been punished for the dissemination of racist ideas.

58. Mr. YUTZIS said he was particularly pleased with the detailed demographic data and the review of relevant case law presented in the Portuguese report. He also commended the frank recognition of the existence of certain "conflict scenarios" - situations of tension affecting minority and ethnic groups. The question arose whether those scenarios were exceptional or symptoms of a deeper malaise. He viewed the case of the Roma as a symptom rather than an exception and the report itself had focused on the community's problems. The image of a community with an innate propensity to engage in drug trafficking was striking and conducive to its "criminalization" by the general public, which considered it permissible to demolish the community's housing. According to the NGO SOS Racismo, the local population in Vila Verde had set up an armed people's militia and had barricaded the entrance to the Roma camp, searching everyone who approached the area. He asked the delegation to comment on the allegation.

59. Paragraphs 85 and 86 of the report described the behaviour of the municipality of Vila do Conde, which had persisted in issuing regulations directed against the Roma despite the disapproval of the Attorney-General and the Ombudsman. According to SOS Racismo, the authorities involved had never been punished. The NGO also referred to a questionnaire published in the magazine Visão in 1996, according to which 32 per cent of student respondents wished to expel the gypsies from Portugal. Another questionnaire published in the newspaper Público in 1998 had found that 27 per cent of young people in the 13 to 18 age-group would "feel bad" if their neighbour was a gypsy. SOS Racismo concluded that a variety of factors contributed to the formation of the public image of the "gypsy-trafficker", an image that legitimized the persecution of a community that was no less "Portuguese" than the rest of the population. He asked the delegation to comment on those findings.

60. Paragraph 210 of the report claimed that there was no limitation on the access of foreign nationals to employment in Portugal. According to SOS Racismo, Decree-Law No. 99/77 of 17 March 1977 required that at least 90 per cent of the staff of certain companies should be Portuguese, a provision which had allegedly led to the large-scale exclusion and exploitation of foreign workers. According to paragraph 212 of the report, article 14 of the Constitution established the principle of equality of housing for non-nationals and nationals. But according to SOS Racismo, Decree-Law No. 797/76 of 6 November 1976 confined access to low-cost housing to Portuguese citizens, so that the majority of immigrants were forced to live in prefabricated units. He would welcome the delegation's comments on those allegations.

61. Mr. van BOVEN said that he would have expected to find some information on Macao in Portugal's report, following the Committee's recommendation (in its report to the General Assembly, A/53/18, para. 493 (c)) that States parties should provide information on Non-Self-Governing Territories. The report did refer to East Timor, but principally with regard to the reception of Timorese people in Portugal. However, although Portugal was still officially the colonial Power in East Timor, it was clearly impossible for it to report on a territory that was de facto under another Power.

62. Portugal had been frank enough to recognize that problems existed: the first step towards solving problems was to recognize them. The incidents referred to in paragraphs 41-52 were perhaps only the tip of the iceberg, however, and he wondered whether the judiciary and law enforcement officials were sufficiently alert to the problems to prosecute when incidents occurred. The authorities in most countries were lax in such matters: did Portugal have any policy to increase the vigilance of such officials?

63. Portugal had co-sponsored a draft resolution to the General Assembly strongly urging States parties "to accelerate their domestic ratification procedures with regard to the amendment to the Convention concerning the financing of the Committee (A/C.3/53/L.18/Rev.1, para. 13). He hoped that, if it had not yet done so, Portugal itself would soon formally accept that amendment. He welcomed the information in the report of the European Commission against Racism and Intolerance that Portugal was - or had been in 1997 - preparing to make a draft declaration under article 14, and asked whether that was indeed the case.

64. With regard to article 3, he requested further information concerning trends in the segregation of, for example, the Roma, particularly in relation to housing and education, and concerning Portugal's policy in that regard.

65. According to the report of the European Commission against Racism and Intolerance (para. 19), the experience of racism in police units had made it clear that training measures should be taken to enable the police to assume their responsibilities fully. Since that was also the thrust of the Committee's General Recommendation XIII of 1993, he would welcome information concerning the development of such training in Portugal.

66. The CHAIRMAN, speaking as a member of the Committee, said that it was clear that Portugal was making great efforts to face up to phenomena of racial discrimination, racism and xenophobia. As mentioned in paragraph 53 of its periodic report, a number of steps had been taken to deal with specific problems. He drew attention, however, to the Committee's General Recommendation XVII, on the establishment of national institutions to facilitate the implementation of the Convention, and he wondered whether the delegation had considered establishing such an institution. Publicizing the contents of the Convention for the benefit both of officials and of the general public was another way in which Portugal could achieve the goals it had described in its report.

The meeting was suspended at 17.33 and resumed at 17.42.

67. Mr. MARRECAS FERREIRA (Portugal) said that the Convention was directly applicable in Portugal's legal order, but under article 8.2 of the Constitution, which applied to duly ratified international conventions, rather than article 8.3, which had been drafted with European Community legislation in mind. Moreover, all international legal instruments were directly applicable under article 16.1 of the Constitution. International treaties took precedence over all domestic legal instruments.

68. Mr. LEITÃO (Portugal) said that great importance was attached in the training of law enforcement officials to the subject of the immigrant and gypsy communities. It was important to establish a dialogue between those groups and law enforcement officials and he himself had taken part in discussions where the various parties had worked together to solve problems. In-service courses were an important element of police training, and distance learning materials had been developed to enable the police nationwide to take part. The quality of police work was also given high priority, and officials' performance of their duties was monitored from a human rights standpoint by a Government-appointed inspector.

69. Responding to the question why the word "insertion" was applied to the gypsies as opposed to the word "integration" for immigrants, he said that "insertion", in Portuguese, conveyed more adequately the sense of integrating a group while fully respecting its cultural characteristics. Some members of the Council of Ministers, when discussing the establishment of the Working Group for the Equality and Insertion of Gypsies, had felt that it was very important to emphasize that aspect of their integration. The Working Group had been set up to analyse the situation of the gypsies with a view to developing specific measures to protect their rights and to improve their

situation generally. It recognized that the gypsies had for some time been the victims of social exclusion and that it was necessary to improve their level of participation in society. Members of the Group had conducted visits and held discussions with the gypsies, and had found that steps needed to be taken, in particular, with regard to education, an area in which the Working Group had successfully involved the Ombudsman; the development of low-cost housing with due regard for the cultural characteristics of a group that had, until recently, been nomadic; and training for work, an area in which a variety of projects were under way, some of them originally developed for the general population and others specifically geared to gypsy needs.

70. Direct dialogue with local authorities at all levels had proved very important in establishing a good rapport with the gypsy community. Universities and social research institutes had presented proposals for studies aimed at improving the work of integrating the gypsies. Lastly, the Ministry of Culture had supported a travelling exhibition demonstrating the significance of gypsy culture for Portuguese culture.

The meeting rose at 6 p.m.